

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AGATA DROZDZ, an individual and TEAKRE
VEST, an individual,

Plaintiffs,

v.

USAA GENERAL INDEMNITY COMPANY,
UNITED SERVICES AUTOMOBILE
ASSOCIATION and USAA CASUALTY
INSURANCE COMPANY,

Defendants.

Case No. 2:20-cv-01010-JCC

CLASS ACTION

**STIPULATED MOTION AND [PROPOSED]
ORDER EXTENDING CASE SCHEDULE
DEADLINES**

**NOTED FOR CONSIDERATION:
NOVEMBER 10, 2021**

Plaintiffs Agata Drozd and Teakre Vest and Defendants USAA General Indemnity Company, United Services Automobile Association and USSA Causality Insurance Company jointly move this Court to amend the case schedule, set a briefing schedule on Plaintiffs' motion for class certification, and continue all other deadlines until after the Court rules on the class certification motion.

I. STIPULATION

Pursuant to LCR 7(d)(1), LCR 10(g), and LCR 16(b)(6), the parties respectfully submit this stipulated motion to set a briefing schedule on class certification and to continue all other case deadlines until after the Court rules on class certification. In support of the motion, the parties state as follows:

1 1. Plaintiffs filed this proposed class action in King County Superior Court on March
2 5, 2020. *See* Dkt. No. 1-2. Defendants removed the case to this Court on June 29, 2020. *See* Dkt.
3 No. 1.

4 2. On September 8, 2020, Plaintiffs filed an amended complaint adding USAA
5 General Indemnity Company as a defendant in this matter. Dkt. No. 17. After Defendants
6 answered the amended complaint, the parties submitted a joint status report, and the Court
7 issued a scheduling order setting a trial date and related deadlines. *See* Dkt. Nos. 20, 24, 25. The
8 trial is currently scheduled for June 6, 2022. *See* Dkt. No. 25. The Court's scheduling order did
9 not include deadlines for briefing class certification. *See id.*

10 3. The parties commenced written discovery in late 2020. To date, the parties have
11 exchanged substantial documents and data. The named Plaintiffs have been deposed, as have
12 treatment providers for the named Plaintiffs. However, the parties are still working to complete
13 discovery. Additional discovery is needed for the parties to be able to robustly brief class
14 certification.

15 4. On June 16, 2021, Plaintiffs' former counsel Brendan W. Donckers, Cynthia J.
16 Heidelberg, and David E. Breskin withdrew as counsel for Plaintiffs in this matter. Dkt. No. 30.
17 Remaining counsel Young-Ji Ham commenced searching for new co-counsel with class action
18 experience to assist in the litigation of this case on behalf of Plaintiffs. New Plaintiffs' counsel
19 Blythe H. Chandler and Toby J. Marshall appeared in this matter on July 28, 2021. Dkt. Nos. 35
20 & 36.

21 5. Since appearing, new counsel has worked diligently to come up to speed on the
22 status of the case and focus on additional discovery needed before moving for class
23 certification. Counsel for all parties conferred telephonically on October 20, 2021. During that
24 call, the parties discussed additional documents that Plaintiffs need to obtain and depositions
25 that need to be taken prior to moving for class certification. The parties are currently working
26 to resolve issues regarding production of these documents and to schedule depositions.
27

6. Good cause exists to set a class certification briefing schedule and to continue all case deadlines until after the motion for class certification is resolved. First, under the current case schedule, there are no deadlines for class certification. Second, the parties have not previously requested an amendment to the case schedule. Third, additional time is needed to allow the parties to continue discovery, fully brief class certification, and receive an order from the Court on class certification. Fourth, the feasibility of remaining case deadlines after class certification will be quite different depending on whether the Court grants or denies that motion. If the Court certifies a class, additional time will be needed in the case schedule to provide class notice, and trial preparations will take additional time. On the other hand, if the Court denies class certification, the remaining case schedule can be substantially more compressed. Finally, the recent addition of new counsel requires additional time to complete discovery and prepare a motion for class certification. Despite their diligent efforts, the parties are unable to complete all of these tasks within the current case schedule.

7. Amending the case schedule to accommodate class certification briefing and the parties' continued discovery efforts will serve both the best interests of the parties and judicial efficiency. The parties agree that within two weeks of the Court's ruling on Plaintiffs' motion for class certification, the parties will submit a joint proposed case schedule for all remaining case deadlines, including trial.

8. The parties stipulate to the schedule on class certification below and request the Court enter an order setting these deadlines and continuing all other case deadlines until after resolution of the motion for class certification:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiffs' Motion for Class Certification and any supporting expert reports	N/A	3/4/2022
Deadline for completion of expert discovery relating to class certification issues – Plaintiffs' expert(s)	N/A	4/15/2022

1	Defendants' Response to Plaintiffs' Motion for Class Certification and any supporting expert reports	N/A	5/20/2022
2			
3	Deadline for completion of expert discovery relating to class certification issues – Defendants' expert(s)	N/A	7/1/2022
4			
5	Plaintiffs' Reply in Support of Motion for Class Certification	N/A	7/22/2022
6			
7	Joint Proposed Case Schedule Setting Trial Date	N/A	Within 2 weeks of ruling on class certification

8 STIPULATED TO AND DATED this 10th day of November, 2021.

9
10 TERRELL MARSHALL LAW GROUP PLLC

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21 *Attorneys for Plaintiffs*

23 *Attorneys for Defendants*

II. ~~[PROPOSED]~~ ORDER

IT IS SO ORDERED.

DATED this 10th day of November 2021.

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE